

Remarks Concerning the Amendments

The above amendments have been made to directly respond to the statement in the Office Action that Claims 15 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form.

Claim 10 has been amended to include the limitations of claim 15 and all intervening limitations (from claim 14). Claims already in the application that were dependent from other claims have been made dependent from now allowable claim 10 (the combination of claims 10, 14 and 15).

REMARKS CONCERNING THE PATENTABILITY OF CLAIM 10 (NOW
CANCELED)

The fact that my product has an **"encircling band** of stretchable material of **constant width**" is one of the key important factors (*along with shoulder straps ensuring a constant/non-movable position on the chest*) for being an effective **lateral sternum support**. These limitations are already in the language of claim 10 as: "...a chest encircling band of stretchable material of constant width and uniformly stretchable along the circumference of the band,..." The whole purpose of the product of Applicants is to prevent postoperative sternum complications such as sternal wound infections and dehiscence by keeping a constant encircling force on the chest that results in a lateral support of the sternum (*keeping the two sternum parts together for better healing*). In addition the purpose of the integrated handles gives the patient the possibility to increase the encircling support further and thereby give "counter-pressure" particularly during coughing where the internal thoracic pressure can rise dramatically up to 300mmHg.

It's imperative that the encircling material has a **constant width** (as recited in the claims) in order to give optimal lateral force on the sternum. A substantively varying width (which would alter local pressure when the width variation was substantial) would "interrupt" the encircling strength needed for giving lateral support to the sternum.

REMARKS

The Applicant has followed the instructions of the Examiner and placed the allowable subject matter of claim 15 into independent form (amended claim 10) and has allowable claim 16 dependent from allowable claim 10, instead of 15 (now canceled).

The application and claims are therefore in *prima facie* condition for allowance.

If the Examiner believes that there are any issues that can be clarified or resolved by a telephone communication, the Examiner is respectfully invited to the below attorney of record, Mark A. Litman, at 952.832.9090, during regular business hours.

Respectfully submitted,
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Date: 1 June 2010

By: 
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Date of Fax/Deposit: 1 June 2010

The undersigned hereby certifies that this Transmittal Letter and the paper or fee, as described herein, are being sent by facsimile transmission or deposited with the United States Postal Service FIRST CLASS POSTAGE PREPAID and is addressed to the Assistant Commissioner for Patents, Box AE, PO BOX 1450, Alexandria, VA 22313-1450.

By: 

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